

MEMORIAL

OF

JOHN TIMBERLAKE AND OTHER CITIZENS OF VIRGINIA,

Opposed to the measure proposed for Expunging a Resolution from the Journal of the Senate.

MAY 2, 1836.

Laid on the table, and ordered to be printed.

To the honorable Senate of the United States :

The memorial of the undersigned citizens of the Commonwealth of Virginia

RESPECTFULLY REPRESENTS :

That, impelled by a sincere regard and reverence for the constitution of the United States, and jealous of any infraction of its sacred provisions, they have witnessed, in the proposition to *expunge* a resolution from the Journal of your body, the development and progress of an attempt to commit (what to them appears) a plain and palpable violation of one of its most solemn injunctions; that they view such EXPUNGING as directly violating that provision of the constitution which requires that "each House of Congress shall KEEP a journal of its proceedings, and from time to time publish the same;" and that such an attempt ought to be viewed by every honest and patriotic citizen with anxious apprehension and alarm. Your memorialists do not deem it necessary, or even respectful to your honorable body, to advance any arguments to sustain this position; suffice it to say, that, to their humble understandings, "*to keep*," as here used by the constitution, means *to preserve*, and that the latter clause of the constitutional provision, as previously quoted, furnishes a key to the interpretation of that which precedes it, since it would be obviously impossible to publish the Journal *from time to time* if such Journal had not been *kept or preserved*. Your memorialists have always believed that a sacred reverence for the Federal constitution as the repository of our dearest rights and liberties, an anxious desire to preserve it inviolate, and a patriotic resolution to resist to the utmost any infringement of its provisions, can alone secure that freedom which has been at once the just boast of American citizens, and the source of individual prosperity and happiness. They have always believed that, where a doubt exists as to the propriety of an act, or the rightful exercise of a power, it is the part of moderation and wisdom to forbear. The proposition to *expunge*, your memorialists humbly conceive cannot, even in the mind of the most

infuriated partisan, be viewed otherwise than of this character ; and that a rational doubt *does* exist as to the constitutional right of your honorable body to *expunge* a part of your Journal.

In the exercise of a privilege dear to every freeman, your memorialists have thus respectfully expressed their opinions on this deeply and vitally interesting subject ; and, in conclusion, they pray that your honorable body will forbear to carry into effect a measure, which, if unconstitutional, is fraught with the most deplorable consequences to the public peace and safety, kindling a storm of public indignation, which, in its mad career, may desolate our happy country and fix upon us and our posterity a ruthless despotism ; and if not unconstitutional, is of dangerous precedent and vindicates no principle of civil liberty. These consequences they honestly believe may flow from the adoption of this measure ; but however that may be, they acknowledge themselves not entirely indifferent to the gratification of thus conspicuously recording their names, humble as they are, in opposition to a measure which, aiming a blow (as it does) at our sacred constitution, thereby threatens public safety, and endangers public liberty itself.

John Timberlake,
Wm. R. Magruder,
Allan B. Magruder, of Botetourt
county, Virginia,
John H. Gilmer,
Abraham Shepherd, jun.,
William E. Shepherd,
John Winn,
Richard Noel,
W. Timberlake,
John H. Timberlake,
Bryan Pace,

George Stillman,
J. M. Morris,
William S. Clarke,
Daniel Turner,
Archer S. Wren,
H. M. Myers,
Alfred Wren,
William J. Timberlake,
A. G. Shepherd,
H. J. Magruder,
Benjamin H. Magruder,
H. Massie.